



# भारत का राजपत्र

## The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

साप्ताहिक  
WEEKLY

सं. 21] नई दिल्ली, अगस्त 7—अगस्त 13, 2011, सोमवार/श्रावण 16—श्रावण 22, 1933  
No. 21] NEW DELHI, AUGUST 7—AUGUST 13, 2011, MONDAY/SRAVANA 16—SRAVANA 22, 1933

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके।  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)  
PART II—Section 3—Sub-section (iii)

केन्द्रीय अधिकारियों (संघ राज्य क्षेत्र प्रशासनों को छोड़कर) द्वारा जारी किए गए आदेश और अधिसूचनाएं  
Orders and Notifications Issued by Central Authorities (other than the Administrations of Union Territories)

भारत निर्वाचन आयोग

नई दिल्ली, 29 जुलाई, 2011

आ.अ.137.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग एतद्वारा निर्वाचन अर्जी सं. 15/2009 में दिये गये छत्तीसगढ़ उच्च न्यायालय, बिलासपुर के तारीख 17 अगस्त, 2010 के आदेश को प्रकाशित करता है।

(निर्णय इस अधिसूचना के अंग्रेजी भाग में छपा है)

[सं. 82/ छ.ग./(15/2009)/2011]

आदेश से,

के. अजय कुमार, प्रधान सचिव

ELECTION COMMISSION OF INDIA

New Delhi, the 29th July, 2011

O. N. 137.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby published Order dated the 17th August, 2010 of the High Court of Chhattisgarh, Bilaspur in Election Petition No. 15 of 2009.

HIGH COURT OF CHHATTISGARH : BILASPUR

Election Petition No. 15 of 2009

Petitioner : Shambhu Prasad Sharma, aged about 62 years, S/o Late Shri Bansgopal Sharma, Village and Post Seoni, Tahsil Marwahi, District Bilaspur (CG).

### Versus

- Respondents : 1. Returning Officer Election Office Korba, 04, Korba Lok Sabha, Area Korba, Tahsil and District Korba (CG).
2. Shri Charan Das Mahant, aged about 54 years, S/o Late Shri Bisahu Das Mahant, Village and Post Saragaon, District Janjgir-Champa (CG).
3. Smt. Karuna Shukla, aged about 59 years, W/o Shri Madhav Prasad Shukla, R/o Shankar Nagar (Anand Nagar), Tahsil & District Raipur (CG).
4. Smt. Vijay Laxmi Sharma, aged about 41 years, W/o Shri Pramod Kumar Sharma, Quarter No. 254/B 1, Balco Nagar, Korba, District Korba (CG).
5. Sh. Kedar Nath Rajwade, S/o Shri Hiralal Rajwade, aged about 28 years, R/o Quarter No. 175/1K, Village Tenduwa, Tahsil Baikunthpur, District Koriya (CG).
6. Smt. Chaiti Devi Mahant, W/o Shri Kashidas, aged about 49 years, R/o N.D. 26-CSEB, East Korba (CG).
7. Shri Budhwar Singh Uikeey, S/o Shri Ganpat Singh, aged about 34 years, R/o Korbi, Post Suttarra, Tahsil Podi-up-Roda, District Korba (CG).
8. Dr. Shri Vipin Sinha, S/o Shri R.P. Sinha, aged about 40 years, R/o B-70 CMPDI Colony, Post Kusmunda, District Korba (CG).
9. Smt. Sangita Nirmalkar, W/o Shri Ram Bahoran, aged about 32 years, R/o Quarter No. 17, Ward No. 35, Torwa, Bilaspur (CG).
10. Shri Hira Singh Markam, S/o Late Shri Deo Sai Markam, aged about 74 years, R/o Village and Post Tiwrata, Tahsil Pali, District Korba (CG).
11. Shri Gend Das Mahant, S/o Shri Girwar Das Mahant, aged about 35 years, R/o Kashi Nagar Korba, Ward No. 16, Quarter No. 105/K, Tahsil and District Korba (CG).
12. Shri Charan Das Panika, S/o Shri Hari Das Panika, aged about 25 years, R/o Village Kendai Khar, Post Jamni Pali, Tahsil Katghora, District Korba (CG).
13. Shri Pawan Kumar, S/o Shri Matadeen, aged about 38 years, R/o Pali Road, Dipika, Tahsil Katghora, District Korba (CG).
14. Shri Kuleshwar Prasad Sarajaiha, S/o Shri Ramnath, aged about 75 years, R/o Village Gajra, Post Banki Mongra, Tahsil Katghora, District Korba (CG).
15. Shri Ram Dayal Uraon, S/o Late Shri Anandram, aged about 49 years, R/o Village Pathadhi, Post Tilkeja, Tahsil and District Korba (CG).
16. Shri Ram Lakhan Kashi, S/o Late Shri Mandhari Kashi, aged about 68 years, R/o Gram Nagar, Post Nagar Tahsil Baikunthpur, District Koriya (CG).
17. Smt. Satrupa, W/o Late Shri Ramashankar, aged about 37 years, R/o G-19, Narbada Nagar Asindda, Tahsil Khandawa, District Khandawa (MP).
18. Shri Santosh Banjare, S/o Shri Netram Banjare, aged about 25 years, R/o Ekta Nagar, Quarter No. 380, Khongha Pani, District Koriya (CG) 497447.

### **Present :**

Shri Ram Kumar Tiwari with Shri Ram Krishna Sharma, Counsel for the petitioner.

Shri Yashwant Singh Thakur, Counsel for respondent No. 1.

Shri Rajeev Shrivastava, Counsel for respondent No. 2.

**ORDER**

(Passed on 17th August, 2010)

**DHIRENDRA MISHRA.J.**

1. Heard on I. A. No. 1.

2. By this application under Order 7 Rule 11 (a) & (d) of the CPC, 1908 read with Section 86 (1) of the Representation of the People Act, 1951, (hereinafter referred to as ‘the Act of 1951’) the respondent No. 2 has prayed for dismissal of the election petition on the ground that the petition does not disclose any cause of notion and there is non-compliance of Sections 81 and 82 of the Act of 1951.

3. The petitioner has challenged the election of respondent No. 2 as a Member of Parliament from the Parliamentary Constituency No. 4, Korba in the general election held in the year 2009 on the ground that all other candidates including respondent No. 2, the elected candidate, did not file affidavits in Form No. 3 K-(III) showing debts and dues of the Government and thus, nomination papers filed by them were incomplete and invalid within the meaning of Section 33-A and 33-B of the Act of 1951 and their nomination was liable to be rejected during scrutiny by respondent No. 1. Respondent No. 1 vide its order dated 31st January, 2009 rejected the objection of the petitioner against accepting nomination papers of respondents No. 2 to 18.

4. Shri Rajeev Shrivastava, learned counsel appearing on behalf of respondent No. 2 submitted that the petitioner has failed to plead the material fact and material particulars and averments in the petition do not disclose any cause of action. The Supreme Court in the matter of **Union of India Versus Association For Democratic Reforms and another** reported in (2002) 5 SCC 294 issued certain directions in paragraph-48 of the judgment and the Commission was directed to call for information on affidavit from each candidate seeking election to Parliament or the State Legislative Assembly, as necessary part of his nomination paper furnishing therein information regarding assets (immovable, movable, bank balance etc.) of a candidate and of his/her spouse and that of the dependents, apart from other information. In, compliance of the aforesaid directions, the Election Commission of India (for brevity ‘the ECI’) issued an order on 26-8-2002 directing every candidate that while filing nomination papers they would submit an affidavit with regard to all the 5 matters mentioned in paragraph-48 of the Supreme Court’s order dated 2nd May, 2002. However, in view of the subsequent order of the Supreme Court passed in the matter of **People’s Union. For Civil Liberties (PUCL) and another Versus Union of India and another**, (2003) 4 SCC 399, the ECI in supersession of its earlier order dated 28-6-2002 issued fresh order on 27-3-2003. From perusal of the order of the Supreme Court dated 2nd May, 2002 and the circular issued in compliance thereof, it is clear that a candidate is required to file affidavit with regard to “*Liabilities, if any, particularly whether there are any over dues of any public financial institution or government dues*”. In the absent of any specific averment in the election petition regarding undischarge liability of public financial institution or government dues, the petition is lacking in material facts and particulars and the same does not disclose any cause of action and the petition deserves to be dismissed *in limine*. The petitioner has also not pleaded or filed the objection taken by him before the returning officer for rejection of nomination papers of other candidates. From perusal of the order of the returning officer dated 31st March, 2009. (Annexure-P/3) by which objection against the nomination papers of other candidates has been rejected, it is evident that the Returning Officer after examining record found the objections factually incorrect. The petition is also liable to be dismissed on the ground of incorrect verification, as pleadings in the petition are based on personal knowledge of the petitioner whereas, issue raised by the petitioner is to be verified only on the basis of information on record. Lastly, it was argued that the petition is also liable to be dismissed for mis-joinder of the parties, as the petitioner has impleaded returning officer as respondent No. 1.

5. A specific preliminary objection has been taken on behalf of respondent No. 1 that returning officer cannot be arrayed as party in an election petition in view of the specific provisions under Section 82 of the Act of 1951, which deals with parties to the petition. However, the petitioner has asserted that respondent No. 1 is a necessary party and has not moved any application for deleting the name of respondent No. 1 from the array of the respondents and has only stated that the petitioner is ready to obey any order pertaining to deletion of respondent No. 1. It was further argued that annexures and documents filed by the petitioner have not been properly verified as required under Section 83 (2) of the Act of 1951.

6. On the other hand, Shri Ram Kumar Tiwari, learned counsel appearing on behalf of the petitioner submitted that the ECI in compliance of the directions of the Supreme Court in the matter of **Association For Democratic Reforms and another** (judgment dated 2nd May, 2002), directed that every candidate in election while filing nomination paper shall submit an affidavit in prescribed format annexed as Schedule I. It was specifically mentioned that non-filing of affidavit in the format (Annexure-P/6) along with nomination paper would constitute contempt of the Supreme Court and returning

officer shall reject the nomination paper at the time of scrutiny (Annexure-P/2, para-5). Respondents No. 2 to 18 did not file affidavit in the prescribed format (Annexure-P/6). The petitioner filed an objection before the returning officer at the time of scrutiny on 30th March, 2009 for rejecting heir nomination papers, however, objection of the petitioner was rejected vide Annexure-P/3. Acceptance of nomination papers of respondents No. 2 to 18 is contrary to the provisions of Section 100 (1)(d)(i)(iv) of the Act of 1951. The only objection of the petitioner against acceptance of nomination papers of other candidates is that they did not file affidavit in the format (Annexure-P/6) which is mandatory requirement, as per orders of the Election Commission dated 28th June, 2002 and 27th March, 2003, which were issued in compliance of the directions of the Supreme Court. It is not the allegation of the petitioner that other candidates have any undischarged liability towards public financial institution or Government loan and, therefore, objection regarding lack of material pleadings with respect to such allegations does not arise. So far as other objections regarding defect of verification of the pleadings and documents is concerned, election petition cannot be dismissed *in limine* only on this ground and such defects may be subsequently rectified. Even otherwise, allegations in the petition and documents annexed with the petition have been duly verified by the petitioner. The petitioner has already undertaken to delete the name of respondent No.1 from the array of the respondents and, therefore, election petition cannot be dismissed on the ground of mis-joinder of the parties.

7. I have heard learned counsel for the parties, perused the election petition and the documents annexed with this petition.

8. From perusal of the order of the returning officer (Annexure-P/3) whereby objection of the petitioner raised at the time of scrutiny of nomination papers against nomination papers filed by other candidates has been rejected, it appears that the petitioner contended before the returning officer that other candidates have not annexed their affidavits in form-3 (ka)(II) apart from other objections. The returning officer after examination of the nomination papers observed that the candidates have filed affidavits along with their nomination papers and signed before him as per directions of the Election Commission in the prescribed format (Annexure-22). After scrutiny, he did not find any fact/basis which goes contrary to the directions of the Election Commission.

9. Referring to the direction contained in Chapter-VI (para-10.1) of handbook of the Returning Officer, it has been observed that where an affidavit has been filed, in that case, nomination paper cannot be rejected on the ground that it is incomplete or defective. The petitioner has neither pleaded nor filed objections submitted by him before the returning officer on 30th March, 2009 against nomination papers of other candidates. He has also not filed affidavits/nomination papers filed by the other candidates which finds reference in the order of Annexure-P/3 by which his objection has been rejected.

10. **In Association For Democratic Reforms and another** (Supra), the Supreme Court held that jurisdiction of the Election Commission is wide enough to include all powers necessary for smooth conduct of elections and the word “elections” is used in a wide sense to include the entire process of election which consists of several stages and embraces many steps. Interpreting Article 324 of the Constitution of India, it has been held that Article 324 is a reservoir of power to act for the avowed purpose of having free and fair elections. The Constitution has taken care of leaving scope for exercise of residuary power by the Commission in its own right as a creature of the Constitution in the infinite variety of situations that may emerge from time to time in a large democracy, as every contingency could not be foreseen or anticipated by the enacted laws or the rules. By issuing, necessary directions, the Commission can fill the vacuum till there is legislation on the subject. In para-48 of the above judgment, it has been observed thus :-

“The Election Commission is directed to call for information on affidavit by issuing necessary order in exercise of its power under Article 324 of the Constitution of India from each candidate seeking election to Parliament or a State Legislature as a necessary part of his nomination paper, furnishing therein, information on the following aspects in relation to his/her candidature :

(1) Whether the candidate is convicted/acquitted/discharged of any criminal offence in the past—if any, whether he is punished with imprisonment or fine.

(2) Prior to six months of filing of nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charge is framed or cognizance is taken by the court of law. If so, the details thereof.

(3) The assets (immovable, movable, bank balance, etc.) of a candidate and of his/her spouse and that of dependents.

(4) Liabilities, if any, particularly whether there are any overdues of any public financial institution or government dues.

(5) The educational qualifications of the candidate.”

11. The Act of 1951 was amended vide the Representation of the People (Amendment) Ordinance, 2002 (4 of 2002), promulgated on 24-8-2002. Later on the Ordinance was replaced by the Representation of the People (Third Amendment) Act, 2002 (72 of 2002), which came into force w.e.f. 28th December, 2002 and Sections 33-A and 33-B was inserted. Constitutional validity of Section 33-B was challenged and the Supreme Court vide its judgment dated 13th March, 2003 in the case of People's Union For Civil Liberties (PUCL) and another (Supra), held that Section 33-B inserted in the Act of 1951 by amendment does not pass the test of Constitutionality and the same was declared invalid being violative of Article 19(1)(a) of the Constitution.

12. In the light of directions contained in the case of People's Union For Civil Liberties (PUCL) and another (Supra), the Election Commission of India in Chapter V of Annexure-X of the Handbook For Returning Officers ordered in paragraphs-16 and 17 as under :

“16. Now therefore, the Election Commission, in pursuance of the above referred order dated 13th March, 2003, of the Hon'ble Supreme Court and in exercise of the powers conferred on it by Article 324 of the Constitution, of superintendence, direction and control, inter alia, of conduct of elections to Parliament and State Legislatures, hereby issues, in supersession of its earlier order dated, 28th June, 2002, its revised directions as follows :-

(1) Every candidate at the time of filing his nomination paper for any election to the Council of States, House of the People; Legislative Assembly of a State or the Legislative Council of a State having such a council, shall furnish full and complete information in regard to the matters specified by the Hon'ble Supreme Court and quoted in paras 13 and 14 above, in an affidavit, the format whereof is annexed hereto as Annexure-1 to this order.

(2) The said affidavit by each candidate shall be duly sworn before a Magistrate of the First Class or a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned.

(3) Non-furnishing of the affidavit by any candidate shall be considered to be violation of the order of the Hon'ble Supreme Court and the nomination of the candidate concerned shall be liable to rejection by the returning officer at the time of scrutiny of nominations for such non-furnishing of the affidavit.

(4) The information so furnished by each candidate in the aforesaid affidavit shall be disseminated by the respective returning officers by displaying a copy of the affidavit on the notice board of his office and also by making the copies thereof available freely and liberally to all other candidates and the representatives of the print and electronic media.

(5) If any rival candidate furnishes information to the contrary, by means of a duly sworn affidavit, then such affidavit of the rival candidate shall also be disseminated along with the affidavit of the candidate concerned in the manner directed above.

17. For the removal of doubt, it is hereby clarified that the earlier direction contained in para 14 (4) of the earlier order dated 28th June, 2002, in so far as verification of assets and liabilities by means of summary enquiry and rejection of nomination paper on the ground of furnishing wrong information or suppressing material information is not enforceable in pursuance of the order dated 13th March, 2003 of the Apex Court. It is further clarified that apart from the affidavit in Annexure-1 hereto referred to in para 16(1) above, the candidate shall have to comply with all the other requirements as spelt out in the Representation of the People Act, 1951, as amended by the Representation of the People (Third Amendment) Act, 2002, and the Conduct of Election Rules, 1961, as amended by the Conduct of Elections (Amendment ) Rules, 2002.”

13 From perusal of the judgment of the Supreme Court in the matter of Association For Democratic Reforms and another (Supra) (Paragraph-48) and directions issued by the ECI in pursuance thereof on 28-6-2002 and 27th March, 2003, it is clear that every candidate was required to file information with respect to liabilities, if any, particularly whether there are any over dues of any public financial institution or government dues in the format appended as Annexure-I with the order dated 27th March, 2003 of the ECI.

14. From perusal of the order of Annexure-P/3, it is clear that affidavits have been sworn in by respondents No. 2 to 18 and the returning officer did not find any defects in the affidavits as per orders/directions of the Election Commission, on the basis of which their nomination papers could be rejected. Disclosures about undischarged liability towards public financial institutions or Government loan, if any, are to be made in the format enclosed with the order dated 27th March, 2003 of the ECI.

15. From perusal of Annexure-P/3, I have also observed that returning officer rejected the objection of the petitioner and accepted the nomination papers of other candidates as valid by observing that necessary affidavits in the prescribed format have been submitted by them. The petitioner has not filed affidavits of other candidates and it is not the allegation of the petitioner that respondents No. 2 to 18 have any undischarged liability towards public financial institutions

or any Government loan. In the absence of any material fact to establish that other candidates did not file necessary affidavit in format Annexure-I appended with the order dated 27th March, 2003, and keeping in view the order of Annexure-P/3, which reveals that other candidates had submitted affidavits in the prescribed format as per guidelines of the ECI, I find substance in the argument of learned counsel for respondent No. 2 that even if the entire allegations present in the petition is accepted, the same does not disclose any cause of action to the petitioner and there is no triable issue before this Court for adjudication of this election petition.

16. The only ground urged in the election petition is that respondent No. 2 to 18 did not submit necessary information on affidavit in the prescribed format as per para-3(A) of Annexure-I annexed with the order dated 27th March, 2003 of the ECI. The affidavits filed by other candidates have not been annexed with the petition nor there is any specific pleading in this regard. Respondent No.2 in his return, in para-8.4, in reply to para-5 of the petition, has specifically denied the above allegation and has specifically averred that the answering respondent has filed the affidavit as required under the law. In spite of above specific denial of respondent No.2, the petitioner has failed to supply necessary material particulars to establish that affidavits sworn by other candidates were not in accordance with the requirement of the order of the ECI dated 27th March, 2003 or they were not in format of Annexure-I.

17. On the basis of aforesaid discussion, I am of the opinion that the petitioner has failed to disclose all material facts on which the election petitioner relies to establish the existence of a cause of action. In the absence of material facts and insufficient cause of action, the election petition is liable to be dismissed. It is a settled legal position that an election petition must clearly and unambiguously set out all the material facts which the petitioner is to rely upon during the trial, and it must reveal a clear and complete picture of the circumstances and should disclose a definite cause of action. In the absence of the above, an election petition can be summarily dismissed, as has been held by the Hon'ble Supreme Court in the matter of Laxmi Kant Bajpai Versus Hazi Yaqoob & Others 2009 (8) Supreme 129.

18. In view of the aforesaid finding it is not necessary to consider other issues raised by the respondents.

19. In the result, the application is allowed. The election petition is dismissed on the ground that the petitioner has failed to disclose all material facts on which he relies to establish the existence of a cause of action.

Sd/-

DHIRENDRA MISHRA :  
Judge

[No. 82/CGH/(15/2009)/2011]

By Order,

K. AJAY KUMAR, Pr. Secy.

नई दिल्ली, 3 अगस्त, 2011

**आ.अ. 138.**—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग एतद्वारा निर्वाचन अर्जी सं. 4/1999 में दिये गये झारखण्ड उच्च न्यायालय, रांची के तारीख 28 अगस्त, 2010 के आदेश को प्रकाशित करता है। (निर्णय इस अधिसूचना के अंग्रेजी भाग में छपा है।)

[सं. 82/झार./(4/1999)/2011]

आदेश से,

के. अजय कुमार, प्रधान सचिव

New Delhi, the 3rd August, 2011

**O. N. 138.**—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby published Order dated the 28th August, 2010 of the High Court of Judicature at Jharkhand, Ranchi in Election Petition No. 4 of 1999.

## IN THE HIGH COURT OF JHARKHAND, RANCHI

Election Petition No. 4 of 1999 (R)

Indra Nath Bhagat.....Petitioner(s)

Versus

1. Dukha Bhagat
2. Bhubaneshwar Lohra
3. Vishwanath Bhagat
4. Sophia Kachap
5. Amar Oraon
6. Jai Prakash Minz
7. Harihar Ram Nath Oraon
8. Biga Minz.....Respondent(s)

Coram : The Hon'ble Mr. Justice D. K. Sinha

For the Petitioner(s) : M/s. Delip Jerath, S. N. Prasad and  
S. K. Dwivedi, Advocates.

For the Respondent(s) : M/s. Ajay Kr. Singh, P. Khakha,  
Rana Sujit Singh, Neeraj Ranjan,  
Rana Sujit Singh, Neeraj Ranjan,  
Ram Lakhan Yadav and R. K. Prasad, Advocates.

21/28-8-2010

It is evident from the order dated 4-4-2002 that the election petition has already been abated on the death of the sole petitioner for which registry was directed to take steps for publication in the Official Gazette.

I find that the notice under Section 112 of the Representation of Peoples Act was published in the Extraordinary Jharkhand Gazette dated 27th April, 2002 with respect to the abatement of the present election petition on the death of Indra Nath Bhagat petitioner in the instant Election Petition No. 4 of 1999(R).

Accordingly, this election petition is disposed of.

Sd/-

(D. K. SINHA, J.)

[No. 82/JKD/(4/1999)/2011]

By Order,

K. AJAY KUMAR, Pr. Secy.

आदेश

नई दिल्ली, 8 अगस्त, 2011

**आ.अ. 139.**—यतः भारत निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तंभ (2) में यथाविनिर्दिष्ट असम राज्य में लोक सभा के लिए साधारण निर्वाचन, 2009 के लिए जो स्तंभ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, स्तंभ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951, तथा तद्वीन बनाए नियमों द्वारा अपेक्षित उक्त सारणी के स्तंभ (5) में यथाविनिर्दिष्ट अपने निर्वाचन-व्ययों का लेखा दाखिल करने में असफल रहे; और

यतः निर्वाचन आयोग द्वारा उक्त अभ्यर्थियों को सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है अथवा उनके द्वारा दिए गए अभ्यावेदन पर विचार करने के पश्चात् यदि कोई हो, तो निर्वाचन आयोग का यह समाधान हो गया है कि उक्त असफलता के लिए उनके पास कोई उपयुक्त कारण या न्यायौचित्य नहीं है;

अतः, अब, निर्वाचन आयोग, लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10-क के अनुसरण में, नीचे की सारणी के स्तंभ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

### सारणी

क्र.सं.	निर्वाचन का विवरण	संसदीय निर्वाचन क्षेत्र की क्रम संख्या और नाम	निर्वाचन लड़ने वाले अध्यर्थी का नाम और पता	निरहित का कारण
(1)	(2)	(3)	(4)	(5)
1.	असम राज्य से लोक सभा के लिए साधारण निर्वाचन, 2009	14-लखीमपुर संसदीय निर्वाचन क्षेत्र	श्री देबनाथ माझी, ग्राम-गुटीबाड़ी, थाना-पानीतुला, जिला तीनसुकिया, असम-786183	अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे।
2.	-वही-	-वही-	श्री प्रणज्ञोति बोपात्रागोहे ग्राम-बिलोतिया, पो.-माचखोंबा, थाना-धेमाजी, असम।	-वही-
3.	-वही-	-वही-	श्री रतनेश्वर गोगोइ ग्राम-संख्या 3, मुरकोंग सीलके, पो. एवं थाना जोनाई, जिला धेमाजी, असम।	-वही-
4	-वही-	-वही-	श्री ललित मिलि, ग्राम-मालापिन्दा, मिसिंग गाँव, पो.-कमलपुर, थाना-गारामुर, मुजली, जिला-जोरहाट, असम।	-वही-

[सं. 76/असम-लोक सभा/2009]

आदेश से,

के. एन. भार, सचिव

### ORDER

New Delhi, the 8th August, 2011

**O. N. 139.**—Whereas, the Election Commission of India is satisfied that each of the contesting candidates specified in column 4 of the Table below at the General Election to the House of Peoples, 2009 in the Assam State specified in column 2 and held from the constituency specified in column 3 against his/her name has failed to lodge the account of his/her election expenses as shown in column 5 of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice by the Election Commission or after considering the representation made by them, if any, the Election Commission is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column 4 of the Table below to be disqualified for being chosen as and for being a member of either House of Parliament or the Legislative Assembly or Legislative Council of a State or Union Territory for a period of three years from the date of this order :—

TABLE

Sl. No.	Particulars of Election No.	No. and Name of Assembly Constituency	Name and Address of Contesting Candidate	Reasons for Disqualification
1	2	3	4	5
1.	General Election to the Lok Sabha, 2009 from the state of Assam.	14-Lakhimpur PC	Sri Debnath Majhi, Vill-Gutibari, P.S. Panitula, Distt. Tinsukia, Assam-786183.	Failed to lodge account of his election expenses at all.
2.	-do-	-do-	Sri Pranjoyti Borpatragohain, Vill. Bilotia P.O. Machkhowa, P.S. Dhemaji, Dist. Dhemaji, Assam.	-do-
3.	-do-	-do-	Sh. Ratneswar Gogoi, Vill. No. 3 Murkong Selek, P. O. & P.S. Jonai, Distt. Dhemaji, Assam.	-do-
4.	-do-	-do-	Shri Lalit Mili, Vill. Malapindha Mising Gaon, P.O. Kamalpur, P. S. Garamur, Majuli, Distt. Jorhat, Assam.	-do-

[No. 76/AS-HP/2009]

By Order,  
K. N. BHAR, Secy.

## आदेश

नई दिल्ली, 8 अगस्त, 2011

**आ.अ. 140.**—यतः भारत निर्वाचन आयोग का समाधान हो गया है कि सिक्किम विधान सभा निर्वाचन क्षेत्र के साधारण निर्वाचन, 2009 के लिए 18 पश्चिम पेन्डम (अ.जा.) विधान सभा निर्वाचन क्षेत्र से निर्वाचन लड़ने वाले अभ्यर्थी श्री जितमन दरजी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वीन बनाए नियमों एवं आदेशों द्वारा अपेक्षित अपने निर्वाचन-व्ययों का लेखा दाखिल करने में असफल रहे; और

यतः उक्त अभ्यर्थी श्री जितमन दरजी ने सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए कोई कारण या स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायाँचित्य नहीं है;

अतः, अब, निर्वाचन आयोग, लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10-के अनुसरण में, श्री जितमन दरजी को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं. 76/सिक्किम/विधान सभा/2009]

आदेश से,  
के. एन. भार, सचिव

## ORDER

New Delhi, the 8th August, 2011

**O. N. 140.**—Whereas, the Election Commission of India is satisfied that Shri Jit Man Darjee, a contesting candidate in the General Election to the Legislative Assembly, 2009 from 18-West Pendum (SC) Assembly Constituency has failed to lodge any account of his election expenses, as required by the Representation of the People Act, 1951 and Rules and Orders made there under; and

Whereas, the said candidate, Shri Jit Man Darjee, has not furnished any reason or explanation for the said failure even after due notice and the Election Commission is thus satisfied that he has no good reason or justification for the said failure;

Now, therefore, in pursuance of Section 10A of the Representation of the People Act, 1951, the Election Commission hereby declares Shri Jit Man Darjee, to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of three years from the date of this order :—

[No. 76/SKM-LA/2009]

By Order,

K. N. BHAR, Secy.

### आदेश

नई दिल्ली, 8 अगस्त, 2011

**आ.अ. 141.**—यतः निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ 2 में यथा विनिर्दिष्ट कर्नाटक राज्य में विधान सभा के साधारण निर्वाचन, 2008 के लिए जो स्तम्भ 3 में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, स्तम्भ 4 में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाले प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951, तथा तद्वान बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ 5 में यथा दर्शित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं; और

यतः, निर्वाचन आयोग द्वारा उक्त अभ्यर्थियों, को सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया गया है और निर्वाचन आयोग का यह समाधान हो गया है कि उक्त असफलता के लिए उनके पास कोई उपयुक्त कारण या न्यायौचित्य नहीं है;

अतः, अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10(क) के अनुसरण में, नीचे की सारणी के स्तम्भ 4 में विनिर्दिष्ट व्यक्तियों को संसद के किसी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य होने या चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्रहित घोषित करता है।

### सारणी

क्र.सं.	निर्वाचन का विवरण	विधान सभा निर्वाचन क्षेत्र की क्रम संख्या और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरहता का कारण
1	2	3	4	5
1.	कर्नाटक विधान सभा के लिए साधारण निर्वाचन, 2008	45-गुलबर्गा उत्तर साधारण निर्वाचन, 2008	श्री चंद्रकांत आर. कालगी पोस्ट : 14/5 हिप्परगा ताल्लुक : बासवकल्याण जिला : बीदर	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे।
2.	-वही-	79-भाटकल	श्री शेट्टी पिरीशा लोकेश्वर पी.ओ. बेंगरे ताल्लुक, भाटकल	-वही-

1	2	3	4	5
3.	कर्नाटक विधान सभा के लिए साधारण निर्वाचन, 2008	79-भाटकल	श्री एस. एम. जकरिया सबीना हाऊस एन.एच. 17 तालुक : भाटकल	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे।
4.	-वही-	80-सिरसी	श्री रामनाथ हेगडे स्थान : कुलीहाकलू, पी.ओ.-मट्टीघट्टा तालुक : सिरसी-581403 (यू के)	-वही-
5.	-वही-	80-सिरसी	श्री कनाडे रामदास वेंकप्पा बापूजी नगर, येलापुर रोड सिरसी-581402 (यू के)	-वही-
6.	-वही-	81-येलापुर	श्री सुरेश नीगप्पा पुजर स्थान : कीराबट्टी तालुक : येलापुर	-वही-
7.	-वही-	133-टुमकुर ग्रामीण	सैयद मुकब्बुल अहमद 13वां क्रॉस, नीमहरा मस्जिद, पी.एच. कॉलोनी, टुमकुर	-वही-
8.	-वही-	133-टुमकुर ग्रामीण	श्री कनडाकंदा राममूर्ति एच. (राममूर्ति गौडा) सं. 27, 6वां मेन रोड एच.वी.आर. ले आउट, गोविंदराज नगर, बंगलौर	-वही-
9.	-वही-	137-पावागाडा (अ.जा)	श्री केनचपा सुपुत्र भीमाप्पा डोडेनाहल्ली तालुक, पावागाडा	-वही-
10.	-वही-	137-पावागाडा (अ.जा)	श्री पी.ए. गोविंदराजू सुपुत्र पी. अंजानप्पा रेनगेंज एक्सटेंशन तालुक, पावागाडा	-वही-
11.	-वही-	137-पावागाडा (अ.जा)	श्री थावारेनाइक सुपुत्र-गनियानाइक देवाडावेट्टा, तालुक, पावागाडा	-वही-
12.	-वही-	137-पावागाडा (अ.जा)	श्री एस.जी. श्रीनिवास सुपुत्र-गिरीयाप्पा शैलापुरा, तालुक, पावागाडा	-वही-
13.	-वही-	186-मालावल्ली (अ.जा)	श्री एम. प्रसन्ना सुपुत्र-एम. चन्निया मालिनाथापुरा व पोस्ट तालुक मालावल्ली	-वही-

1	2	3	4	5
14.	कर्नाटक विधान सभा के लिए साधारण निर्वाचन, 2008	186-मालावल्ली (अ.जा)	श्री एच.जी. सोम शेखर सुपुत्र-स्व. गांगाधरिया ग्राम व पोस्ट-हुसकुर तालुक मालावल्ली	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे।
15.	-वही-	187-मद्दुर	श्री शिवरूपैया सुपुत्र-स्व. कंचनगोवडा कंकरपुरा, तालुक मद्दुर	-वही-
16.	-वही-	189-माण्डया	श्री आर. योगेश शंभूगोवडा, सं. 4522 10वां क्रास शंकर नगर माण्डया	-वही-
17.	-वही-	190-श्रीरंगापटना	श्री चंद्रशेखराप्पा के. सुपुत्र-कुल्लेगोवडा, 94ए, 6वां मेन रोड नागेन्द्र ब्लाक बनाशंकरी तीसरी स्टेज, बंगलौर-50	-वही-
18.	-वही-	194-अरसीकरे	श्री बी.एन. रमेश सुपुत्र-निंगप्पा वालेहल्ली बैरापुरा (वी. बैरापुरा) पो. नागसमुडा, तालुक अरसीकरे	-वही-
19.	-वही-	197-होलेनरसीपुर	श्री के.एच. सतीश सुपुत्र-होमवैया जौड़ीकृष्णपुरा ग्राम, पो. कोरावागाल, डुड्डाहोल्ली तालुक हसन	-वही-
20.	-वही-	197-होलेनरसीपुर	श्री एन. शिव स्वामी सुपुत्र-एच. नेंगगौवडा ग्राम-उल्ललालु तालुक-उत्तर बैंगलोर	-वही-
21.	-वही-	203-मंगलोर शहर दक्षिण	श्री धर्मेन्द्र के. कुमार रेसीडेंसी दूसरा तल, लेडी हिल, मंगलोर	-वही-

[सं. 76/कर्नाटक-वि.स./2008]

आदेशार्थ,

आर.के. श्रीवास्तव, प्रधान सचिव

**ORDER**

New Delhi, the 8th August, 2011

**O. N. 141.**—Whereas, the Election Commission of India is satisfied that each of the contesting candidate s p e c i f i e d in column 3 of the Table below at the General Election to the Legislative Assembly, 2008 from Karnataka Assembly Constituency of specified in column 2 against their names have failed to lodge the account of their election expenses in manner as shown in column 4 of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas, the said candidates have either not furnished any reason or explanation for the said failure even after receiving Election Commission's notice, and the Election Commission is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column 3 of the Table below to be disqualified for being chosen as and for being a member of either House of Parliament or the Legislative Assembly or Legislative Council of a State or Union Territory for a period of three years from the date of this order :—

TABLE

Sl. No.	Particulars of Election	Sl. No. & Name of Assembly Constituency	Name & Address of Contesting Candidate	Reasons for Disqualification
1	2	3	4	5
1.	General Elections to Karnataka Legislative Assembly, 2008	45-Gulbarga Uttar	Sh. Chandrakant R. Kalagi At Post : 14/5, Hipparga (Bag) Tq.: Basavakalyan, Dist : Bidar	Failed to lodge any account of his election expenses.
2.	-do-	79-Bhatkal	Sh. Shetty Girisha Lokeshwar Po: Bengre, Tq.: Bhatkal	-do-
3.	-do-	79-Bhatkal	Sh. S. M. Zakriya, Sabina House, N. H. 17, Tq : Bhatkal	-do-
4.	-do-	80-Sirsi	Sh. Ramanatha Hegde At : Kulihaklu, PO : Mattighatta Tq: Sirsi-581403 (U.K.)	-do-
5.	-do-	80-Sirsi	Sh. Kanade Ramadas Venkappa, Bapuji Nagar, Yellapur Road, Sirsi-581402 (U.K.)	-do-
6.	-do-	81-Yellapur	Sh. Suresh Ningappa Pujar At : Kirawatti, Tq : Yellapur	-do-
7.	-do-	133-Tumkur Rural	Syed Mukbul Ahamed, 13th Cross, Near Nimhra Masjid, P. H. Colony, Tumkur	-do-
8.	-do-	133-Tumkur Rural	Sh. Kannadakanda Ramamurthy. H, (Ramamurthy Gowda) No.27, 6th Main Road, H. V.R. Layout, Govindarajanagara Bangalore.	-do-
9.	-do-	137-Pavagada (SC)	Sh. Kenchappa, S/o Bheemappa Doddenahalli Pavagada Tq.	-do-
10.	-do-	137-Pavagada (SC)	Sh. P.A. Govindaraju, S/o P. Anjanappa Raingauge Extension, Pavagada Tq.	-do-

1	2	3	4	5
11.	General Election to Karnataka Legislative Assembly, 2008	137-Pavagada (SC)	Sh. Thavarenaika, S/o Ganiyanaika Davadabetta, Pavagada Tq.	Failed to lodge any account of his election expenses.
12.	-do-	137-Pavagada (SC)	Sh. S.G. Srinivasa, S/o Giriyappa Shailapura Pavagada Tq.	-do-
13.	-do-	186-Malavalli (SC)	Sh. M. Prasanna, S/o M. Channaiah, Mallinatha pura & Post Malavalli Taluk	-do-
14.	-do-	186-Malavalli (SC)	Sh. H.G. Somashekhar, S/o Late Gangadariah, Huskur Village & Post Malavalli Taluk	-do-
15.	-do-	187-Maddur	Sh. Shivaramaiah, S/o Late Kenchegowda, Shankarapura, Maddur Taluk	-do-
16.	-do-	189-Mandy	Sh. R. Yogesh @ Shankaranagar, No. 4522, 10th Cross, Shambugowda, Mandy.	-do-
17.	-do-	190-Srirangapatna	Sh. Chandrashekappa. K. S/o Kullegowda, 94A, 6th Main Road Nagendra Block, Banashankari 3rd Stage, Bangalore-50	-do-
18.	-do-	194-Arasikere	Sh. B. N. Ramesh, S/o Ningappa, Valehalli, Bairapura. (V. Bairapura) Nagasamudra post, Arsikere Taluk	-do-
19.	-do-	197-Holenarsipura	Sh. K. H. Sathish, S/o Hombaiah, Jodikrishnapura Village, Koravanagal Post, Dudda Hobli, Hassan Taluk	-do-
20.	-do-	197-Holenarsipura	Sh. N. Shivaswamy, S/o H. Ningegowda, Ullalu Village, Bangalore North Taluk	-do-
21.	-do-	203-Mangalore City South	Sh. Dharmendra K Kumara Residency, 2nd Floor, Ladyhill, Mangalore	-do-

[No. 76/KT-LA/2008]

By Order

R. K. SRIVASTAVA, Principal Secy.